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22827	7590	12/02/2005	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,735

Applicant(s)

DEFELICE, WILLIAM D.

Examiner

Athanasios Tom Papanikolaou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/26/02 *AP 12/5/05*
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted on 2/26/02 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 3, 4, 7, and 10-13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Frey et al. (U.S. Patent 6,369,908 A1) in view of Parulski et al. (U.S. Patent Application Publication 2005/0243189 A1).

Regarding claim 1, Frey discloses **an interactive electronic image station for viewing and sending electronic images** (column 2, lines 29-33) **comprising: a computer having an Internet connection** (column 2, lines 46-49); **and a display screen connected to said computer** (column 3, lines 33-34); **and wherein said user views said electronic image on said display screen** (column 3, lines 47-49) **and electronically sends said electronic image to a desired recipient over the Internet** (column 5, lines 31-49).

Frey does not disclose expressly at least one interface connected to said computer for uploading an electronic image from a storage medium to said computer; wherein a user stores said electronic image on a storage medium with an electronic storage device and transfers said electronic image from said storage medium to said computer via said interface.

Parulski discloses at least one interface connected to said computer for uploading an electronic image from a storage medium to said computer (paragraph 21, lines 13-17); wherein a user stores said electronic image on a storage medium with an electronic storage device (paragraph 10) and transfers said electronic image from said storage medium to said computer via said interface (paragraph 28, lines 13-14).

Frey and Parulski are combinable because they are from the same field of endeavor namely image processing. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have 's Frey's system include an interface for uploading images from a storage medium to computer and a user storing images on the storage medium and transfers image from storage medium to computer via interface, as taught by Parulski. The suggestion or motivation for doing so would have been that Frey's system could provide a user the ability to upload images from their camera's memory card to the photo kiosk. Therefore, it would have been obvious to combine the teachings of Parulski with the system of Frey to obtain the invention in claim 1.

Regarding claim 3, Frey and Parulski disclose the dependency of claim 1, as stated above, and Frey further discloses **wherein said interactive electronic image station is housed in a kiosk environment** (column 2, lines 29-33).

Regarding claim 4, Frey and Parulski disclose the dependency of claim 1, as stated above, and Frey further discloses **further comprising a microphone and an audible storage medium connected to said computer that enables said user to record an audible message** (column 4, lines 33-65) **and electronically send said audible message with said electronic image to said desired recipient over the Internet** (column 5, lines 30-62).

Regarding claim 7, Frey and Parulski disclose the dependency of claim 1, as stated above, and Frey further discloses **further comprising a magnetic strip reader for reading a card having a magnetic strip to render payment for use of said interactive electronic image station** (column 6, lines 8-19).

Regarding claim 10, Frey and Parulski disclose the dependency of claim 1, as stated above, and Frey further discloses **wherein said display screen is touch sensitive and said interactive electronic image station is operated by said user touching said display screen** (column 2, lines 53-55).

Regarding claim 11, Frey and Parulski disclose the dependency of claim 10, as stated above, and Frey further discloses **wherein said display screen includes a touch screen keyboard that allows said user to input data** (column 5, lines 5-7).

Regarding claim 12, Frey and Parulski disclose the dependency of claim 11, as stated above, and Frey further discloses **wherein said data input by said user is an e-mail address for said desired recipient** (column 5, lines 31-36).

Regarding claim 13, Frey and Parulski disclose the dependency of claim 1, as stated above, and Frey further discloses **wherein said user inputs a personal text message and electronically sends said personal text message with said electronic image to said desired recipient over the Internet** (column 5, lines 1-7 and column 5, lines 58-62).

4. Claims 2, 5, and 6 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Frey in view of Parulski and further in view of Van Rijn (U.S. Patent 6,574,604 B1).

Regarding claim 2, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **wherein said computer comprises memory that stores pre-selected electronic images and said user views at least one of said pre-selected images on said display screen and electronically sends said at least one of said pre-selected images to said desired recipient over the Internet**.

Van Rijn discloses **wherein said computer comprises memory that stores pre-selected electronic images** (column 4, lines 22-24) **and said user views at least one of said pre-selected images on said display screen** (column 7, lines 6-17) **and electronically sends said at least one of said pre-selected images to said desired recipient over the Internet** (column 8, lines 23-43).

Frey, Parulski, and Van Rijn are combinable because they are from the same field of endeavor namely image processing and photo kiosk services. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski's system include a computer with memory that stores pre-selected images with a user viewing one of the pre-selected images on a display screen and sending a pre-selected images to a desired recipient over the Internet, as taught by van Rijn. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk the ability to send an image to a recipient without providing an image of their own. Therefore, it would have been obvious to combine the teachings of Van Rijn with the system of Frey and Parulski to obtain the invention in claim 2.

Regarding claim 5, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **wherein said computer comprises memory that stores pre-selected audio clips and said user listens to at least one of said audio clips and electronically sends said at least one of said pre-selected audio clips to said desired recipient over the Internet.**

Van Rijn discloses **wherein said computer comprises memory that stores pre-selected audio clips** (column 4, lines 22-24) **and said user listens to at least one of said audio clips** (column 7, lines 6-17) **and electronically sends said at least one of said pre-selected audio clips to said desired recipient over the Internet** (column 8, lines 23-43).

Frey, Parulski, and Van Rijn are combinable because they are from the same field of endeavor namely image processing and photo kiosk services. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski's system include a computer with memory that stores pre-selected audio with a user listening to one of the pre-selected audio clips and sending a pre-selected audio clip to a desired recipient over the Internet, as taught by van Rijn. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk the ability to send an audio clip to a recipient without providing an audio clip of their own. Therefore, it would have been obvious to combine the teachings of Van Rijn with the system of Frey and Parulski to obtain the invention in claim 5.

Regarding claim 6, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **further comprising a video camera and a video storage medium connected to said computer that enables said user to record a video clip and electronically send said video clip with said electronic image to said desired recipient over the Internet.**

Van Rijn discloses **further comprising a video camera** (column 6, lines 24-27) **and a video storage medium connected to said computer that enables said user to record a video clip** (column 6, lines 8-24) **and electronically send said video clip with said electronic image to said desired recipient over the Internet** (column 8, lines 23-43).

Frey, Parulski, and Van Rijn are combinable because they are from the same field of endeavor namely image processing and photo kiosk services. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski's system include a video camera enabling a user to record a video clip and send the video clip with an image to a desired recipient over the Internet, as taught by van Rijn. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk the ability to send a video clip and image to a recipient over the Internet. Therefore, it would have been obvious to combine the teachings of Van Rijn with the system of Frey and Parulski to obtain the invention in claim 6.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Frey in view of Parulski and further in view of Fredlund et al. (U.S. Patent Application Publication 2002/0181009 A1).

Regarding claim 8, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **further comprising a printer for generating a receipt for payment for use of said interactive electronic image station.**

Fredlund discloses **further comprising a printer for generating a receipt for payment for use of said interactive electronic image station** (paragraph 55).

Frey, Parulski, and Fredlund are combinable because they are from the same field of endeavor namely image processing and photo kiosk services. At the time of the

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invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski 's system include a printer for generating a receipt for payment for use of an interactive electronic image station, as taught by Fredlund. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk with a receipt of amount deducted from their credit, debit, or payment card. Therefore, it would have been obvious to combine the teachings of Fredlund with the system of Frey and Parulski to obtain the invention in claim 8.

Regarding claim 9, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **further comprising a printer for printing said electronic image**.

Fredlund discloses **further comprising a printer for printing said electronic image** (see Fig. 2, element 36 and paragraph 44).

Frey, Parulski, and Fredlund are combinable because they are from the same field of endeavor namely image processing and photo kiosk services. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski 's system include a printer for printing a selected image, as taught by Fredlund. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk with an immediate print of a selected picture or image. Therefore, it would have been obvious to combine the teachings of Fredlund with the system of Frey and Parulski to obtain the invention in claim 9.

6. Claim 14 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Frey in view of Parulski and further in view of Yamaguchi et al. (U.S. Patent Application Publication 2002/0087334 A1).

Regarding claim 14, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **wherein said storage medium is a memory card selected from the group consisting of Compact Flash, SmartMedia and Memory Stick.**

Yamaguchi discloses **wherein said storage medium is a memory card selected from the group consisting of Compact Flash, SmartMedia and Memory Stick** (paragraph 55).

Frey, Parulski, and Yamaguchi are combinable because they are from the same field of endeavor namely digital media processing with storage mediums. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski's system include a storage medium which is a memory card selected from the group consisting of Compact Flash, SmartMedia and Memory Stick, as taught by Yamaguchi. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk with the option of using a plurality of storage mediums to transfer images to the kiosk. Therefore, it would have been obvious to combine the teachings of Yamaguchi with the system of Frey and Parulski to obtain the invention in claim 14.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Frey in view of Parulski and further in view of Mambakkam et al. (U.S. Patent Application Publication 2002/0073340 A1).

Regarding claim 15, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **wherein said at least one interface is a port selected from the group consisting of a serial port, parallel port, universal serial bus port, and personal memory card international association connector.**

Mambakkam discloses **wherein said at least one interface is a port selected from the group consisting of a serial port, parallel port, universal serial bus port, and personal memory card international association connector** (paragraph 9).

Frey, Parulski, and Mambakkam are combinable because they are from the same field of endeavor namely digital data processing with storage mediums. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski 's system include an interface which is a port selected from the group consisting of a serial port, parallel port, universal serial bus port, and personal memory card international association connector, as taught by Mambakkam. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk with the option of interfacing with a plurality of port architectures. Therefore, it would have been obvious to combine the teachings of Mambakkam with the system of Frey and Parulski to obtain the invention in claim 15.

Regarding claim 16, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **wherein said at least one interface comprises at least one cable**.

However, Mambakkam discloses **wherein said at least one interface comprises at least one cable** (paragraph 9).

Frey, Parulski, and Mambakkam are combinable because they are from the same field of endeavor namely digital data processing with storage mediums. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski 's system include an interface with a cable, as taught by Mambakkam. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk with a cable to connect to their imaging device. Therefore, it would have been obvious to combine the teachings of Mambakkam with the system of Frey and Parulski to obtain the invention in claim 16.

8. Claim 17 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Frey in view of Parulski and further in view of Romano et al. (U.S. Patent Application Publication 2003/0156200 A1).

Regarding claim 17, Frey and Parulski disclose the dependency of claim 1, as stated above, but do not disclose expressly **wherein said computer deletes said electronic image from said storage medium upon instruction from said user**.

However, Romano discloses **wherein said computer deletes said electronic image from said storage medium upon instruction from said user** (paragraph 56, if

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a user can delete image data from a memory card in the camera the same logic may be implemented in the photo kiosk).

Frey, Parulski, and Romano are combinable because they are from the same field of endeavor namely digital image processing with storage mediums. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have Frey and Parulski's system include the computer deleting an image from a storage medium upon instruction from a user, as taught by Romano. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user of a photo kiosk with the option of deleting an image from their storage medium. Therefore, it would have been obvious to combine the teachings of Romano with the system of Frey and Parulski to obtain the invention in claim 17.

9. Claims 18 and 19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Frey in view of Parulski and further in view of Anderson (U.S. Patent 6,636,259 B1).

Regarding claim 18, Frey discloses **an interactive electronic image station for viewing and sending electronic images** (column 2, lines 29-33) **comprising: a computer having an Internet connection** (column 2, 46-49); **and a display screen connected to said computer** (column 3, lines 33-34); **and wherein said user views said electronic image on said display screen** (column 3, lines 47-49).

Frey does not disclose expressly **at least one interface connected to said computer for uploading electronic images from a storage medium to said**

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computer; wherein a user stores an electronic image on a storage medium with an electronic storage device and transfers said electronic image from said storage medium to said computer via said interface.

However, Parulski discloses **at least one interface connected to said computer for uploading electronic images from a storage medium to said computer** (paragraph 21, lines 13-17); **wherein a user stores an electronic image on a storage medium with an electronic storage device** (paragraph 10) **and transfers said electronic image from said storage medium to said computer via said interface** (paragraph 28, lines 13-14).

Frey and Parulski are combinable because they are from the same field of endeavor namely image processing. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have 's Frey's system include an interface for uploading images from a storage medium to computer and a user storing images on the storage medium and transferring images from storage medium to computer via interface, as taught by Parulski. The suggestion or motivation for doing so would have been that Frey's system could provide a user the ability to upload images from their camera's memory card, or the like, to the photo kiosk. Therefore, it would have been obvious to combine the teachings of Parulski with the system of Frey.

Furthermore, Frey and Parulski do not disclose expressly **and electronically sends a message to a desired recipient over the Internet, said message including information about a server website that includes said electronic image.**

However, Anderson discloses **and electronically sends a message to a desired recipient over the Internet, said message including information about a server website that includes said electronic image** (column 9, lines 10-18).

Frey, Parulski, and Anderson are combinable because they are from the same field of endeavor namely image processing. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have 's Frey and Parulski's system include the option of sending a message, which includes information about a server website holding an image, to a desired recipient over the Internet, as taught by Anderson. The suggestion or motivation for doing so would have been that Frey's system could provide a user the ability to send a recipient a link to an image on a web page. Therefore, it would have been obvious to combine the teachings of Anderson with the system of Frey and Parulski to obtain the invention in claim 18.

Regarding claim 19, Frey, Parulski, and Anderson disclose the dependency of claim 18 and Anderson further teaches **wherein said message includes a hyperlink to said server website that includes said electronic image** (column 9, lines 10-18).

10. Claims 20 through 24 recite identical features as claims 1, 2, 13, 4, and 6, respectively, except claims 20-24 are method claims. Thus arguments similar to that presented above for claims 1, 2, 13, 4, and 6 are equally applicable to claims 20-24.

Claim 25 recites identical features in claims 1, 3, and 18 except claim 25 is a method claim. Thus arguments similar to that presented above for claims 1, 3, and 18 are equally applicable to claim 25.

Claim 26 recites identical features in claim 19 except claim 26 is a method claim. Thus arguments similar to that presented above for claim 19 are equally applicable to claim 26.

Claim 27 recites identical features in claims 1, 3, and 12 except claim 27 is a method claim. Thus arguments similar to that presented above for claim 1, 3, and 12 are equally applicable to claim 27.

Claim 28 recites identical features in claims 2 and 12 except claim 28 is a method claim. Thus arguments similar to that presented above for claims 2 and 12 are equally applicable to claim 28.

Claim 30 recites identical features in claims 1, 3, 12, and 18 except claim 30 is a method claim. Thus arguments similar to that presented above for claims 1, 3, 12, and 18 are equally applicable to claim 30.

Claim 31 recites identical features in claims 19 except claim 31 is a method claim. Thus arguments similar to that presented above for claim 19 are equally applicable to claim 31.

11. Claim 29 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Frey in view of Parulski and further in view of Fredlund (U.S. Patent Application Publication 2002/0181009 A1).

Frey and Parulski disclose the dependent limitations of claim 27, as stated above, but do not disclose **further comprising the step of notifying said user**

whether transmission of said of said electronic image to said desired recipient is successful.

However, Fredlund discloses further comprising the step of notifying said user whether transmission of said of said electronic image to said desired recipient is successful (paragraph 51).

Frey, Parulski, and Fredlund are combinable because they are from the same field of endeavor namely image processing. At the time of the invention it would have been obvious to a person of ordinary skill in the art to have 's Frey and Parulski's system include notifying the user whether transmission of an image to a desired recipient is successful, as taught by Fredlund. The suggestion or motivation for doing so would have been that Frey and Parulski's system could provide a user confirmation on the delivery of the image to the recipient. Therefore, it would have been obvious to combine the teachings of Fredlund with the system of Frey and Parulski to obtain the invention in claim 29.

Citation of Pertinent Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

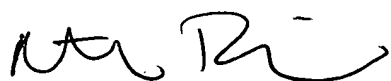
Hoyt et al. (U.S. Patent Application Publication 2001/0011262 A1) discloses a photo kiosk for transmitting a photographic image.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Athanasios Tom Papanikolaou whose telephone number is (571) 272-7953. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Athanasios Papanikolaou

JOSEPH R. POKRZYWA
PRIMARY EXAMINER
ART UNIT 2622
